UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK	X	DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 12/10/2019
CLINTON GREEN, et al.,	: " :	
Plaintiffs,	:	19 Civ. 3420 (LGS)
-against-	:	<u>ORDER</u>
MERCHANTS MUTUAL INS. CO., et al.,	:	
Defendants.	: : X	

## LORNA G. SCHOFIELD, District Judge:

WHEREAS, on September 5, 2019, the Court held an initial pretrial conference in this action ("the Coverage Action") and issued an order directing the parties in the Coverage Action to participate in settlement discussions in the related, underlying action, *Kiss v. Clinton Green North LLC*, et al., No. 17 Civ. 10029 (Dkt. No. 49). The Court further ordered that fact discovery in the Coverage Action would proceed as provided in the case management plan and scheduling order, to follow separately;

WHEREAS, on September 6, 2019, the Court issued a civil case management plan and scheduling order directing the parties to file a joint status letter by December 6, 2019 (Dkt. No. 50);

WHEREAS, on September 11, 2019, the Court referred the case to the Court-annexed Mediation Program and directed the parties to file a letter one week after the mediation concluded (Dkt. No. 51);

WHEREAS, on November 25, 2019, a report was filed on ECF indicating that courtordered meditation was unsuccessful in resolving any issue in the case (Dkt. No. 54);

WHEREAS, by December 2, 2019, no letter was filed updating the Court following the

conclusion of mediation;

WHEREAS, by December 6, 2019, no letter was filed in accordance with the civil case management plan and scheduling order. It is hereby

**ORDERED** that all parties in the Coverage Action shall submit a joint letter by **December 12, 2019**, updating the Court on the result of mediation and the status of fact discovery, as outlined in Individual Rule IV.A.2. It is further

**ORDERED** that continued failure to comply with Court-ordered deadlines may result in sanctions or prejudice.

Dated: December 10, 2019

New York, New York

Lorna G. Schofield

**UNITED STATES DISTRICT JUDGE**